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In re Application of :
Simon Robert Walmsley :
Application No. 09/575,120 :
Filed: May 23, 2000 :
Attorney Docket No. PP16US :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed November 23, 2005.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed July 1, 2003, which set a shortened statutory period for reply of three-months from its mailing date. No response was received within the allowable period, and the application became abandoned on October 2, 2003. A Notice of Abandonment was mailed on February 24, 2005.

Petitioner argues that a reply the non-final Office action was transmitted via facsimile on September 25, 2003, and received by the Office. As evidence of the same, petitioner provides a copy of the certificate of transmittal under 37 CFR 1.8 noting that a response was sent on August 25, 2005, and a copy of the transmission sheet indicating that 7 pages were transmitted to a USPTO facsimile.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was transmitted prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 2600, GAU 2622, for further processing.

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